

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:22-MC-23-FL-BM

ANWAR-FARRA CONGRESS,

Plaintiff,

v.

OASIS AT HERITAGE et al.,

Defendants.

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ORDER


This matter is before the court on plaintiff's motions for leave to proceed in forma pauperis and for temporary restraining order (DE 1, 3, 7), and for review of plaintiff's pro se complaint (DE 1) pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Brian S. Meyers, entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended plaintiff's motions be denied and that plaintiff's complaint be dismissed on frivolity review. (DE 9). Plaintiff did not file objections to the M&R, and the time within which to make any objection has expired. In this posture, the issues raised are ripe for ruling.

Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

The magistrate judge recommends denying plaintiff's in forma pauperis motions because plaintiff has not provided information necessary to make a determination of indigency. In addition, and in the alternative, the magistrate judge recommends dismissal of plaintiff's action upon frivolity review for lack of federal subject matter jurisdiction, for failure to state a claim upon which relief can be granted, and for failure to prosecute. Finally, the magistrate judge recommends terminating the motion for temporary restraining order as moot.

Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own, and plaintiff's motions to proceed in forma pauperis (DE 1, 3) are DENIED. In addition, and in the alternative, this action is DISMISSED upon frivolity review, pursuant to 28 U.S.C. § 1915(e)(2)(B). The clerk is DIRECTED to terminate the motion for temporary restraining order (DE 7) as MOOT, and to close the case.

SO ORDERED, this the 2nd day of May, 2023.



LOUISE W. FLANAGAN
United States District Judge